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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,864

Applicant(s)

HOOD ET AL.

Examiner

Aaron C Perez-Daple

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 4, 5 and 18-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, claim 4 recites “a simulated appliance operation” on lines 2-3 and claim 18 recites “simulating a cycle” on line 3. Although the disclosure briefly mentions “simulating an operation cycle” in the Summary of Invention on page 3 and in the Detailed Description on page 10, the simulation is not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. To provide one example of this deficiency, it is not made clear whether the simulation includes partial operation of the appliance or if it occurs only within the display.

As dependent claims, claims 5, 19 and 20 suffer from the same deficiencies as their parent claims.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 4, 5 and 18-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Specifically, claim 4 recites “a simulated appliance operation” on lines 2-3 and claim 18 recites “simulating a cycle” on line 3. The scope of this limitation is not clear. Specifically, it is not made clear whether the simulation includes partial operation of the appliance or if it occurs only within the display. For the purpose of applying prior art, the Office interprets that the simulation may include either partial operation of the appliance or it may occur only within the display.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 8 and 11** rejected under 35 U.S.C. 102(b) as being anticipated by Klausner (US 5,839,097).

7. As for claims 1 and 11, Klausner discloses a household appliance and method comprising:

a cabinet [dishwasher 14, Fig. 2];

a display [display 22, Fig. 2] mounted to the cabinet, said display being adapted to present a plurality of visual screens to a consumer [col. 5, lines 27-40, “The application program...appropriate connection exists.”]; and

control means [keyboard 23, Fig. 2] for establishing an advertising mode of operation wherein information concerning the household appliance is presented on the plurality of screens for educating the consumer on the household appliance [col. 5, lines 27-40, "The application program... appropriate connection exists."].

8. As for claim 8, Klausner discloses the household appliance according to claim 1, wherein said control means further includes means for establishing automatic and interactive formats of the advertising mode [computer 17, Fig. 2].

9. **Claims 1-8, 11-14, 18 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al (US 6,502,265) (hereinafter Blair).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

10. As for claims 1 and 11, Blair discloses a household appliance and method comprising:
a cabinet [cabinet 2, Fig. 1];
a display [display 10, Fig. 1] mounted to the cabinet, said display being adapted to present a plurality of visual screens to a consumer [col. 2, lines 56-58, "Additionally, the user... of the invention."]; and

control means [touch screen display 10, Fig. 2] for establishing an advertising mode of operation wherein information concerning the household appliance is presented on the

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plurality of screens for educating the consumer on the household appliance [col. 2, lines 56-64, "Additionally, the user...the washing machine."].

11. As for claims 2 and 12, Blair discloses the household appliance and method according to claims 1 and 11, wherein the information concerns particular features of the household appliance [col. 2, lines 61-64, "The touch screen...the washing machine."].
12. As for claims 3 and 13, Blair discloses the household appliance and method according to claims 1 and 11, wherein the information concerns programming features of the household appliance [col. 2, lines 44-49, "In the most preferred...speed and temperature."].
13. As for claim 4, Blair discloses the household appliance according to claim 1, wherein the control means receives desired cycle parameters selected by the consumer for a simulated appliance operation [col. 5, lines 12-15, "A 'Demonstration Mode'...exhibited (screen 210)."].
14. As for claim 5, Blair discloses the household appliance according to claim 4, wherein the display constitutes a touch screen display through which the desired cycle parameters are inputted by the consumer [touch screen display 10, Fig. 2; col. 2, lines 44-49, "In the most preferred...speed and temperature."].
15. As for claim 6, Blair discloses the household appliance according to claim 5, further comprising: non-permanent memory in which the desired cycle parameters are temporarily stored [inherent for storage of programming inputs; col. 2, lines 44-55, "In the most preferred...function being performed."].
16. As for claim 7, Blair discloses the household appliance according to claim 1, wherein the display constitutes a touch screen display through which input parameters can be entered into

the control means [touch screen display 10, Fig. 2; col. 2, lines 44-49, "In the most preferred...speed and temperature."].

17. As for claim 8, Blair discloses the household appliance according to claim 1, wherein said control means further includes means for establishing automatic and interactive formats of the advertising mode [touch screen display 10, Fig. 2; CPU, col. 7, line 62].
18. As for claim 14, Blair discloses the method of claim 11, further comprising:
visually prompting the consumer for an input [col. 2, lines 44-49, "In the most preferred...speed and temperature."]; and
entering an interactive format of the advertising mode upon receiving the input from the consumer [col. 2, lines 44-64, "In the most preferred...the washing machine."].
19. As for claim 18, Blair discloses the method of claim 14, further comprising:
prompting the consumer for desired cycle parameters [col. 2, lines 44-49, "In the most preferred...speed and temperature."]; and
simulating a cycle operation based on the desired cycle parameters [col. 5, lines 12-15, "A 'Demonstration Mode' ...exhibited (screen 210)."].
20. As for claim 19, Blair discloses the method of claim 18, further comprising: storing the desired cycle parameters inputted by the consumer in non-permanent memory [inherent for storage of programming inputs; col. 2, lines 44-55, "In the most preferred...function being performed."].

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim 20** is rejected under 35 U.S.C. 103(a) as being obvious over Blair.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As for claim 20, Blair does not specifically disclose erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time. “Official Notice” is given that both the concept and advantages of erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time are known and

expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blair by erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time in order to reset the programming means for the selection of a new wash cycle or for return to the main menu.

23. **Claims 1, 8, 11, 14, 15 and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al (US 6,587,739) (hereinafter Abrams) in view of Klausner.
24. As for claims 1 and 11, Abrams discloses a household appliance and method comprising:
a cabinet [inherent to controlled appliances; e.g. breadmaker 1800, Fig. 18A];
a display [touchscreen display 410, Fig. 2], said display being adapted to present a plurality of visual screens to a consumer [col. 9, line 66 – col. 10, line 10, “The touchscreen display...by the console 50.”]; and
control means [console 50, Fig. 5B] for establishing an advertising mode of operation wherein information concerning the household appliance is presented on the plurality of screens for educating the consumer on the household appliance [col. 9, line 66 – col. 10, line 10, “The touchscreen display...by the console 50.”; col. 1, line 56 – col. 2, line 15, “The present invention provides...the present invention.”].

Abrams does not specifically teach mounting the display to the cabinet of the appliance. However, Klausner teaches mounting a control console with a display to the cabinet of an appliance [Fig. 2; col. 1, lines 48-65, “The above mentioned...the plug-in position.”]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abrams with the teachings of Klausner by mounting the control console and display of Abrams to the cabinet of the appliance, because this would provide the consumer with

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greater flexibility as to the location of the control device, as taught by Klausner [col. 1, line 66 – col. 2, line 14, “In contrast to prior known...to the central control.”].

25. As for claim 8, Abrams discloses the household appliance according to claim 1, wherein said control means further includes means for establishing automatic and interactive formats of the advertising mode [console 50, Fig. 5B].

26. As for claim 14, Abrams discloses a method similar to that of claim 11, further comprising:

visually prompting the consumer for an input [col. 9, line 66 – col. 10, line 10, “The touchscreen display...by the console 50.”]; and

entering an interactive format of the advertising mode upon receiving the input from the consumer [col. 9, line 66 – col. 10, line 10, “The touchscreen display...by the console 50.”].

27. As for claim 15, Abrams discloses a method similar to that of claim 14, further comprising: entering an automatic format of the advertising mode when the input is not received by the consumer [col. 9, line 66 – col. 10, line 4, “The touchscreen display...or the like.”].

28. As for claim 18, Abrams discloses prompting the consumer for desired cycle parameters [col. 10, lines 39-54, “As discussed, the console...the recipe steps.”]. Neither Abrams nor Klausner specifically discloses simulating a cycle operation based on the desired cycle parameters. It would have been obvious to one of ordinary skill in the art to modify Abrams and Klausner by simulating a cycle operation based on the desired cycle parameters, because this would enable the user to review settings before initiating a control program.

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29. As for claim 19, Abrams discloses a method similar to claim 18, further comprising:
storing the desired cycle parameters inputted by the consumer in non-permanent memory
[col. 4, lines 51-58, "As shown in Fig. 2...generating devices 265."].
30. As for claim 20, Abrams discloses using electrically-erasable programmable ROM [col. 4, lines 51-58, "As shown in Fig. 2...generating devices 265."], but Abrams does not specifically disclose erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time. "Official Notice" is given that both the concept and advantages of erasing the non-permanent memory when the display of an appliance is idle for a predetermined period of time are known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abrams by erasing the non-permanent memory when the display of the appliance is idle for a predetermined period of time in order to reset the programming means for the selection of a new machine cycle or for return to the main menu.
31. **Claims 9, 10, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Klausner and in further view of Guheen et al (US 6,519,571) (hereinafter Guheen).
32. As for claims 9 and 16, although Abrams does disclose automatically displaying advertisements on an appliance control device [col. 9, line 66 – col. 10, line 4, "The touchscreen display...or the like."], neither Abrams nor Klausner specifically discloses successively displaying screens in a timed manner. Guheen teaches successively and automatically displaying advertisements in a timed manner on an electronic device

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comprising a touchscreen [col. 189, lines 24-50, "One embodiment of...a product and a service."].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Abrams and Klausner by successively displaying screens in a timed manner under an automatic format, because this would allow for multiple advertisements to get equal amounts of display time, as taught by Guheen [col. 189, lines 35-40, "When the items are selected...by the advertiser."].

33. As for claim 10, Abrams teaches the household appliance similar to claim 9, wherein each of the plurality of screens is paused for receiving operator input parameters under the interactive format [col. 9, line 66 – col. 10, line 10, "The touchscreen display...by the console 50."].

34. As for claim 17, Abrams discloses a method similar to that of claim 15, further comprising: receiving the input through the touching of the display by the consumer [touchscreen display 410, Fig. 4].

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,840,753, note timed display of advertisements on an appliance; US 6,611,810, note timed display of advertisements on a touch screen; US 6,321,474, note timed display of advertisements; US 5,694,793, note Fig. 1; US 5,511,397, note Fig. 2; US 6,539,570, note control interface; US 4,977,394, note diagnostic interface; US 6,559,882, note Fig. 1; US 6,243,772, note computer control of appliance; WO 01/37595, note advertising method; US 5,410,326, note control of appliances with advertising display; US

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6,228,716, note computer control of appliance with display; US 6,453,687, note appliance control and monitoring unit.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703)305-4897. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703)305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Aaron Perez-Daple

A handwritten signature in black ink, appearing to read "Wilbert L. Starks, Jr.", written in a cursive style.

Wilbert L. Starks, Jr.
Primary Examiner
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